

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

DANIELLE N. LAPIERRE,)	CASE NO. 4:08 CV 2874
)	
Plaintiff,)	JUDGE ECONOMUS
)	
)	
)	MAGISTRATE JUDGE McHARGH
v.)	
)	
MICHAEL J. ASTRUE,)	<u>REPORT AND RECOMMENDATION</u>
Commissioner)	
of Social Security,)	
)	
Defendant.)	

On December 8, 2008, Plaintiff filed this action seeking judicial review of the Commissioner's final decision that she is not disabled and therefore not entitled to Supplemental Security Income benefits. (Doc. 1). On March 30, 2009, Plaintiff's attorney, John A. McNally, III, filed a motion on Plaintiff's behalf seeking leave to withdraw as her attorney and for leave of 30 days to allow Plaintiff to obtain new counsel. (Doc. 12). The motion for leave to withdraw reflects that Plaintiff has failed to sign and return the appointment of representative and contingent fee agreement forms Mr. McNally sent to her, despite the fact that he sent these forms to her on two separate occasions. (Id.). The court granted the motion for leave to withdraw as attorney and issued an order instructing Plaintiff either to obtain new counsel or to file her brief *pro se* by April 30, 2009. (Doc. 13). The court mailed notice of the same to Plaintiff at the address provided by her counsel. Plaintiff failed to file her brief or to notify the court that she had obtained new counsel within the 30-day allotted time period. The court has telephoned Plaintiff on multiple occasions since the April 30, 2009 deadline but has been unable to reach

her.

On May 18, 2009, the Magistrate Judge issued an Order to Show Cause, directing Plaintiff either to file her brief on the merits or to show cause why this matter should not be dismissed for want of prosecution. Plaintiff has failed to do either. In light of Plaintiff's continued failure to fulfill the requirements of going forward with her case, the Magistrate Judge recommends that her case be dismissed for want of prosecution.

s/ Kenneth S. McHargh
Kenneth S. McHargh
United States Magistrate Judge

Date: May 29, 2009.

ANY OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Courts within ten (10) days of mailing of this notice. Failure to file objections within the specified time WAIVES the right to appeal the Magistrate Judge's recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).